IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.617 of 2008
ALOK KUMAR SHARMA @ BITU
Versus
STATE OF BIHAR & ANR
---

3 24.9.2008 The instant writ petition has been filed against the order dated 1.3.2008 passed by the learned Sub Divisional Magistrate, Patna by which he has dropped the proceeding initiated under section 144 Cr.P.C. The petitioner further seeks a direction to respondent no.2 to remove the wall which has illegally been construct in front of his shop and give possession of the photo copying machine, telephones and other allied instruments lying in the shop of the petitioner.

It appears that the learned S.D.M., Patna while dropping the proceeding has observed that if the petitioner is aggrieved may move under the B.B.C.Act.

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Having learned counsel for the petitioner and on going through the materials on record, I find that the instant writ petition preferred against the order dropping proceeding under section 144 Cr.P.C. is not maintainable. The petitioner, if so advised, may file revision application against the order dropping proceeding under section 144 Cr.P.C. So far as other grievances are concerned, it would be open to the petitioner to file appropriate complaint before the court of competent jurisdiction and may proceed under the B.B.C.Act against his forceful eviction.

With the aforesaid observations, this writ petition stands dismissed.

KHAN (S.P.Singh,J)

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